

REMARKS

Claims 1 and 3 have been amended so that they are now clearly compound claims. Applicants do not believe that these amendments narrow the scope of the claims.

Claim 2 has been amended to clearly be a composition claim. Applicants do not believe that this amendment is narrowing, but only makes explicit what was implied in the claims.

*Claim Rejections 35 U.S.C § 112*

Claims 1-3 were rejected as indefinite for “fairly to clarify either a compound or composition intended. Such claims encompass only a compound and no carriers.”

Claims 1 and 3 have been amended to delete reference to a “composition,” and are thus now clearly compound claims.

Claim 2 includes “a pharmaceutically acceptable excipient for therapeutic delivery of said compound,” and is thus clearly a composition claim.

Claim 2 was also rejected because there was “insufficient antecedent basis” in claim 1 for “a pharmaceutically acceptable excipient” in claim 2. Claim 2 is now an independent claim, and thus there is no need for an antecedent basis for “a pharmaceutically acceptable excipient” in claim 1. Thus, this rejection should no longer apply.

In light of the points made above and the amendments made to the claims, the Applicants assert that all of the claims meet the statutory requirements for patentability, and therefore respectfully request that the Examiner remove the rejections and pass the application to issue.

Serial No. 10/039,827

Please charge Deposit Account 01-0885 for the extension fees and any other fees due in this case.

Date: 7/8/05

Respectfully submitted,

*Brent A. Johnson*

Brent A. Johnson

Registration No. 51,851

Agent of Record

Telephone: 714/246-4348

Telecopier: 714/246-4249

Please address all correspondence and inquiries to:

Brent A. Johnson (T2-7H)

Allergan, Inc.

2525 Dupont Drive

Irvine, CA 92612

Tel: 714.246.4348

Fax: 714.246.4249

**CERTIFICATE OF FIRST CLASS MAIL UNDER 37 C.F.R. §1.10**

I hereby certify that this Transmittal Letter and Reply and the documents referred to as enclosed herein are being deposited with the United States Postal Service on 7/8/05 in an envelope as "First Class Mail Post Office To Addressee" with sufficient postage for Express Mail addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 7/8/05

*BONNIE FERGUSON*

Name of person mailing paper

*Bonnie Ferguson*

Signature of person mailing paper